



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

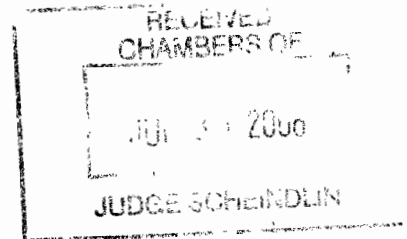
ANDREW M. CUOMO  
Attorney General

Division of State Counsel  
Litigation Bureau

(212) 416-6185

Via Facsimile (212) 805-7920  
The Honorable Shira A. Scheindlin  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

July 31, 2008



Re: Percinthe v. Julien et al., 08-CV-0893 (SAS)(DFE)

Dear Judge Scheindlin:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York. Defendants Julien has answered and defendants Rhoeme and Grant have moved to dismiss.

On July 22, 2008, in my absence while I was on vacation, my colleague Neil Shevlin covered for me at a preliminary conference scheduled by Your Honor. At the time, when asked, Mr. Shevlin was unsure if I had yet made the disclosures required in S.D.N.Y. *pro se* inmate cases. Your Honor ordered that they be provided by July 31, 2008. Unfortunately, I have just come back from vacation and as of today am not sure I have all the materials and information required for such disclosures. Moreover, such disclosures are not normally due under the S.D.N.Y. Local Rules until 120 days after service of the complaint (which in this case would be August 18, 2008), which is why they had not been made by July 22 and why I did not think to tell Mr. Shevlin about them. It is respectfully requested that Your Honor revise the deadline to serve such disclosures to August 18, the date they would normally be due under the Local Rules.

We thank the Court for its consideration in this matter.

Respectfully submitted,

Jeb Harben

Assistant Attorney General

cc: Smith Percinthe, pro se plaintiff (Priority Mail)

03 A 3595

Oneida Correctional Facility

P.O. Box 4580

6100 School Rd.

Rome, NY 13442

The defendants' request is hereby granted. The disclosures previously required by July 31, 2008, shall be served no later than August 18, 2008.

SO ORDERED:

Shira A. Scheindlin, U.S.D.J.

Dated: 7/31/08